

Licensing Sub Committee

Virtual Licensing Hearing held on Thursday 12 November 2020

Present

Councillors Windress (Chairman), Cleary and Potter

In Attendance

Applicant: Represented by Alex Green

Interested Party: Richard and Judith Ford addressed the Sub-committee.
Mark Webster did not attend.

Legal Advisor: Jonathan Davey

Senior Licensing Officer: Mark Heaton

Clerk: John Wardell

Minutes

1 **Apologies for absence**

There were no apologies.

2 **Declarations of Interest**

There were no declarations of interest.

3 **Exclusion of Public**

There was no application for the exclusion of the public.

4 **Licensing Sub Committee Hearing Procedure**

The Chairman gave an overview of the Hearing Procedure.

5 **To determine an application for a Premises Licence from Malton International Market Limited for 95 Commercial Street, Norton, Malton YO17 9HY**

The Sub-Committee have had sight of:

The agenda and all appendices including the licensing officers report and the application and 2 representations from members of the public.

RESOLVED That the Licence be granted for the following activities:

Activity	Hours granted
Open to members of the public	08:00 – 00.00
Sale of alcohol for consumption off the premises only	08:00 – 00.00

The licence will be subject to the following conditions:

1. CCTV:

- a) *A digital Closed Circuit Television System (CCTV) will be installed and maintained in good working order and be correctly timed and date stamped.*
- b) *The system will incorporate sufficient built in hard drive capacity to suit the number of cameras installed whilst complying with data protection legislation.*
- c) *CCTV will be capable of providing pictures of evidential quality, particularly facial recognition.*
- d) *Cameras will encompass all areas inside and outside the premises.*
- e) *There will be a minimum of 31 days recording. The system will record at all times when licensable activities are occurring.*
- f) *The system will incorporate a means of transferring images from hard drive to a format that can be played back on any desktop computer.*
- g) *The digital recorder will be securely stored to prevent unauthorised access, tampering or deletion of images.*
- h) *A member of staff will be available who is trained in the use of the equipment and upon receipt of a request for footage from a governing body, such as Police or any other responsible authority, be able to produce the footage within a reasonable time, e.g. 24hrs routine or immediately if urgently required for investigation of serious crime. If through illness/holiday leave no person is available, then CCTV will be produced within 48 hrs by another member of staff who can attend the premises and obtain the footage as requested.*

2. *The premises will keep and maintain an incident book/refusal book. This will be used to record all incidents of crime and disorder, anti-social behaviour and refusals that occur at the premises. The incident/refusal book will be solely used for this purpose, will be kept at the premises and will be made available for inspection by the Police or any other responsible authority.*

3. *Notices shall be displayed in a prominent position asking for customers to respect the needs of local residents when leaving the premises.*
4. *The premise licence holder will adopt a litter policy in the immediate vicinity and provide suitable receptacles fit for purpose. The litter receptacles must be emptied on a regular basis and whenever full.*
5. *A challenge 25 policy will be implemented at the premises with a minimum of three notices/posters in prominent positions inside the premises informing customers that a challenge 25 policy is in operation.*
6. *All staff will be trained with regard to the sale of alcohol. The training will include the laws relating to the sale of alcohol to under age persons, persons buying alcohol on behalf of persons under 18 (proxy sales) and persons who are drunk, or under the influence of drugs, and attempting to buy alcohol. Training records will be kept at the premises and will be made available for inspection when requested by Police or any other responsible authority. The training records will be signed and dated by the DPS and the trainee detailing what training has been provided.*

The sub-committee believe that the licence should be granted as we are told that the applicant is an experienced operator. It is of key importance that both the police and the Environmental Health department have not raised objections.

In relation to other licensable premises being in the area this is not relevant consideration. There is speculation about urination in alleyways and also that alcohol will lead to disturbances with no firm evidence. Likewise there has not been any real evidence sighted of anti social behaviour around the area. Again it is mentioned that noise nuisance will be possible. We have however been informed that other off licences in Malton operate until midnight and there is no real evidence of problems. We are satisfied that the applicant has proposed suitable operating hours and conditions, including incident log books and staff training re. not selling alcohol to people who are drunk The conditions are appropriate to protect the local community from issues and we expect them to be enforced rigidly.

Chairman

6 Any other business that the Chairman decides is urgent.

There was no other business.

The hearing closed at 16:05